



US Army Corps
of Engineers
Seattle District



WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 764-6985
Attn: Randel Perry, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: October 08, 2008
Expiration Date: November 07, 2008

Reference No.: NWS-2008-39-NO
Name: Nookachamps, LLC

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Nookachamps, LLC
1800 4th Street, Suite A
Marysville, Washington 98270
ATTN:
Telephone: (360) 658-4866

AGENT: Wildlands of Washington, Inc.
1800 4th Street, Suite A
Marysville, Washington 98270
ATTN: Mr. Sky miller
Telephone: (360) 658-4866

LOCATION: In wetlands abutting unnamed tributaries of the Skagit River at Mount Vernon, Washington.

WORK: Place fill and excavate in wetlands to construct a flood prevention dyke and a water quality treatment bioswale.

PURPOSE: Provide flood protection for Hoag Road/Woodridge Avenue area.

ADDITIONAL INFORMATION – Total impact to wetlands is 0.33 of an acre. The bioswale will be built to replace an existing road runoff facility that is in the footprint of the proposed dyke.

MITIGATION: To compensate for the proposed impacts to 0.33 if an acre of palustrine emergent Category III wetlands and associated buffers, the applicant has proposed to rehabilitate 1.32 acres of reed canary grass

dominated wetlands and create a 75-foot vegetated buffer around the mitigation wetlands (see Drawings 7-9 of 9). Mitigation will be provided on an adjacent piece of property.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. An historic properties investigation has been conducted within the permit area. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of Shorelines Substantial Development Permit No. LU07-057, being processed by the City of Mount Vernon.

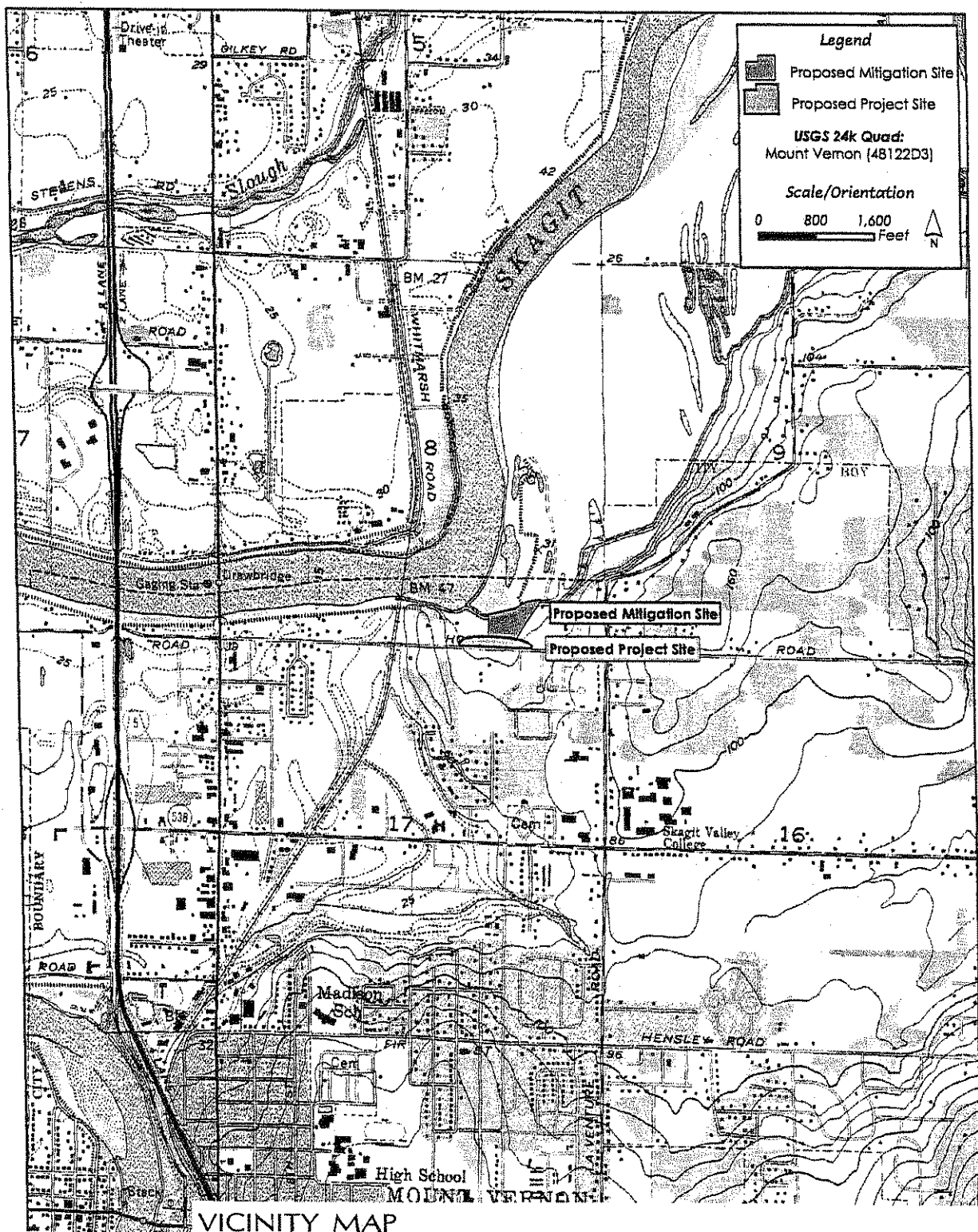
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Corps comments: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Randel Perry, Post Office Box 3755, Seattle, Washington, 98124-3755.

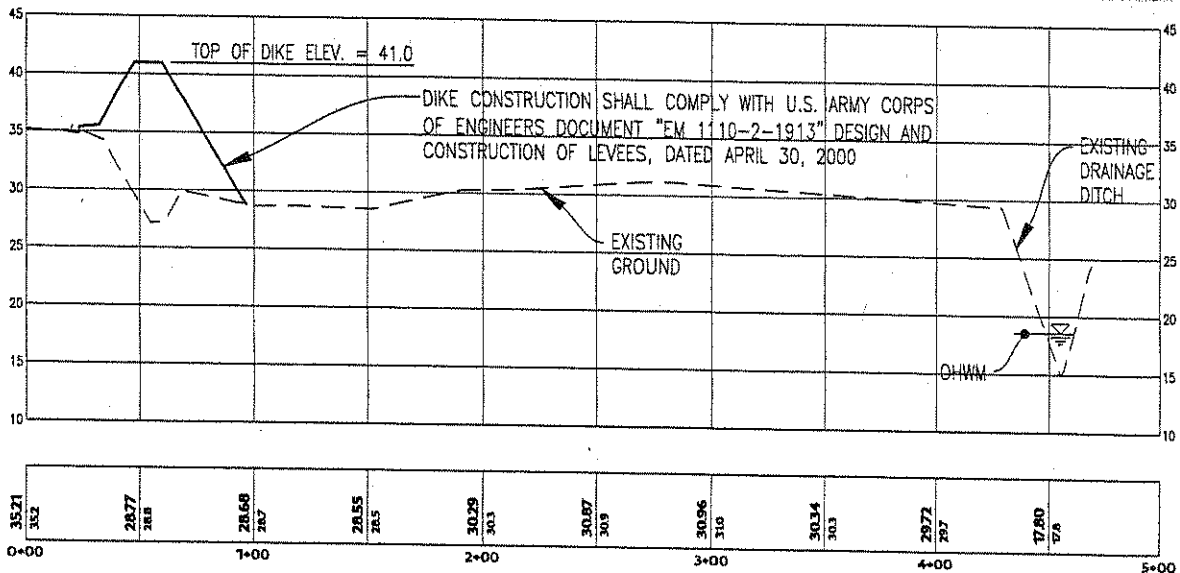
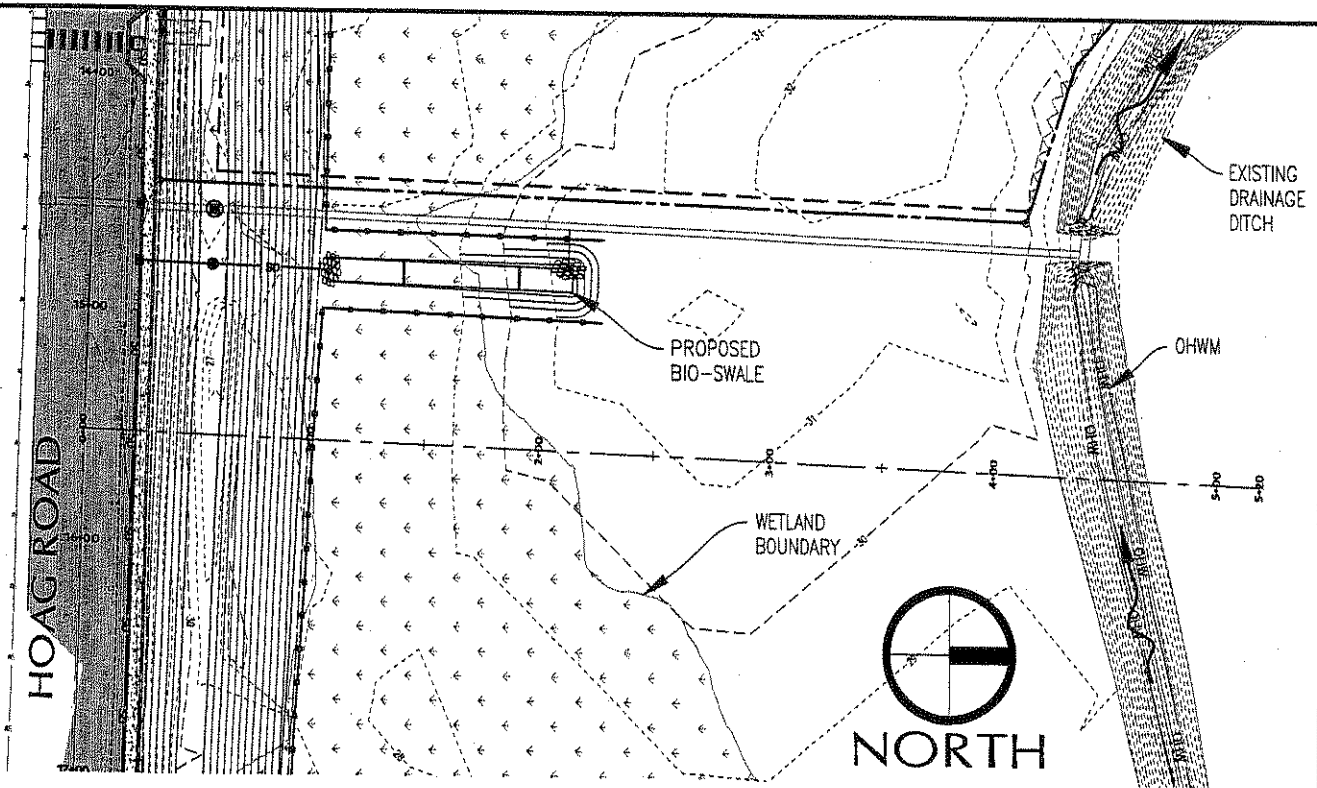
Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Nookachamps, LLC, NWS-2008-39-NO

Encl: Figures (9)



<p>Sound Development Group ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202 Mount Vernon, WA 98273 Tel: 360-404-2010 Fax: 360-404-2013</p>	<p>PROJECT:</p> <p>HOAG ROAD DIKE FOR NOOKACHAMPS, LLC</p>	<p>SCALE AS NOTED</p> <p>DRAWN BY: PRL</p> <p>JOB NO. 113-06</p> <p>DATE</p>
<p>PURPOSE: DIKE CONSTRUCTION</p> <p>REFERENCE NUMBER: NWS-2008-38-WO</p> <p>APPLICATION BY: NOOKACHAMPS, LLC</p>	<p>IN: LOCAL WETLAND</p> <p>AT: MOUNT VERNON</p> <p>COUNTY: SKAGIT</p> <p>SHEET: 1 OF 9</p> <p>STATE: WASHINGTON</p> <p>DATE: July 2008</p>	



GENERAL NOTES:

1. DIKE SHALL BE CONSTRUCTED PER GEOTECHNICAL REPORT BY MATERIALS TESTING & CONSULTING, INC., DATED AUGUST 20, 2006.
2. CONTRACTOR SHALL HAVE A COPY OF THE GEOTECHNICAL REPORT ONSITE AT ALL TIMES.
3. ALL DIKE EXCAVATION AND CONSTRUCTION SHALL BE REVIEWED, APPROVED AND COORDINATED WITH THE GEOTECHNICAL ENGINEER.

FIGURE 2 : CROSS-SECTIONAL VIEW - TOE DRAIN

Sound Development Group

ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES

P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202

Mount Vernon, WA 98273

Tel: 360-404-2010 Fax: 360-404-2013

PROJECT:

HOAG ROAD DIKE
FOR
NOOKACHAMPS, LLC

SCALE H: 1"=80'

V: 1"=16'

DRAWN BY: PRL

JOB NO. 113-06

DATE JULY 2008

PURPOSE:

REFERENCE NUMBER: NWS-2008-39-ND

APPLICATION BY:

DIKE CONSTRUCTION

NOOKACHAMPS, LLC

IN:

AT:

COUNTY:

SHEET:

LOCAL WETLAND

MOUNT VERNON

SKAGIT

2 OF 9

STATE:

DATE:

WASHINGTON

JULY 2008

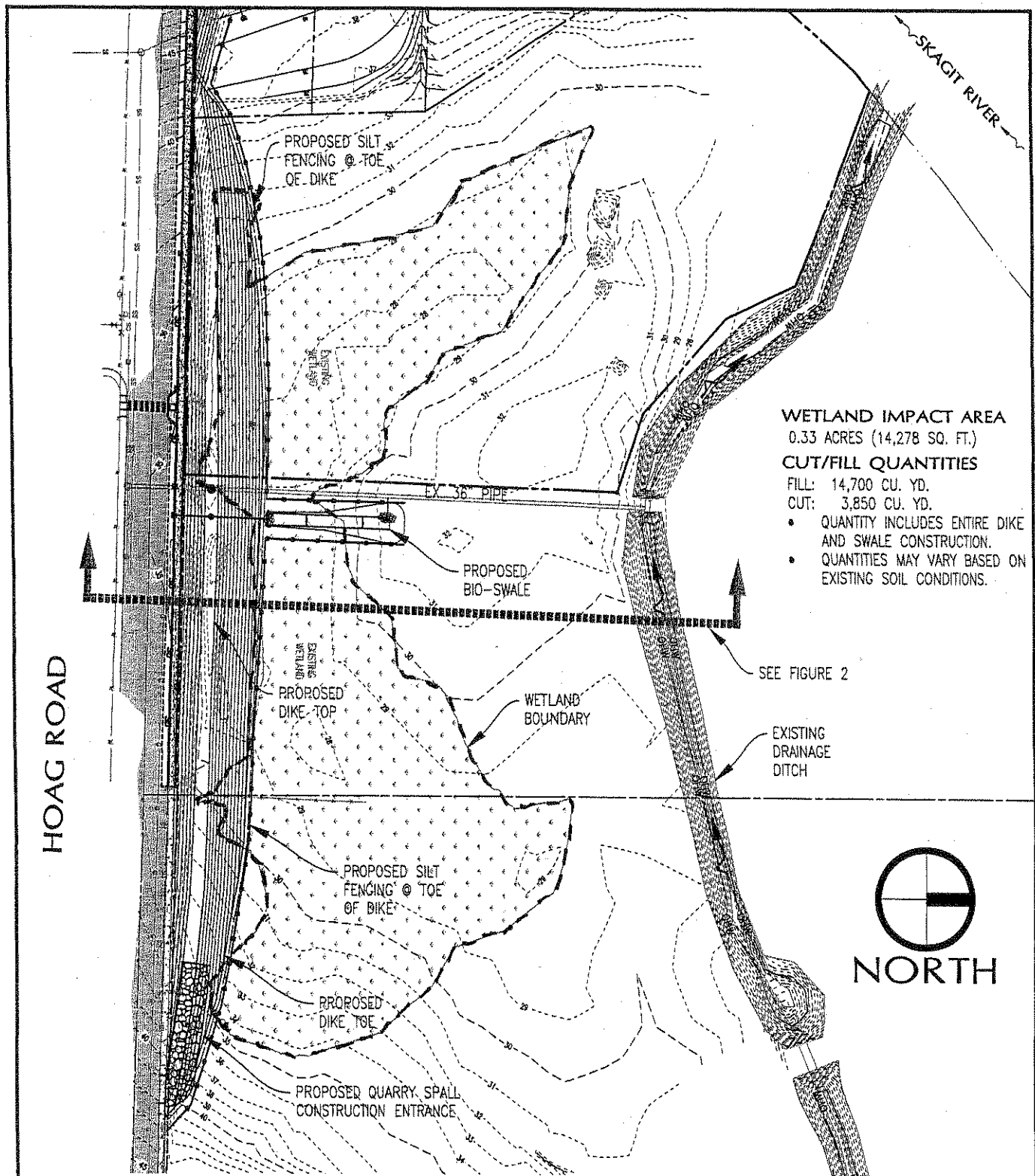
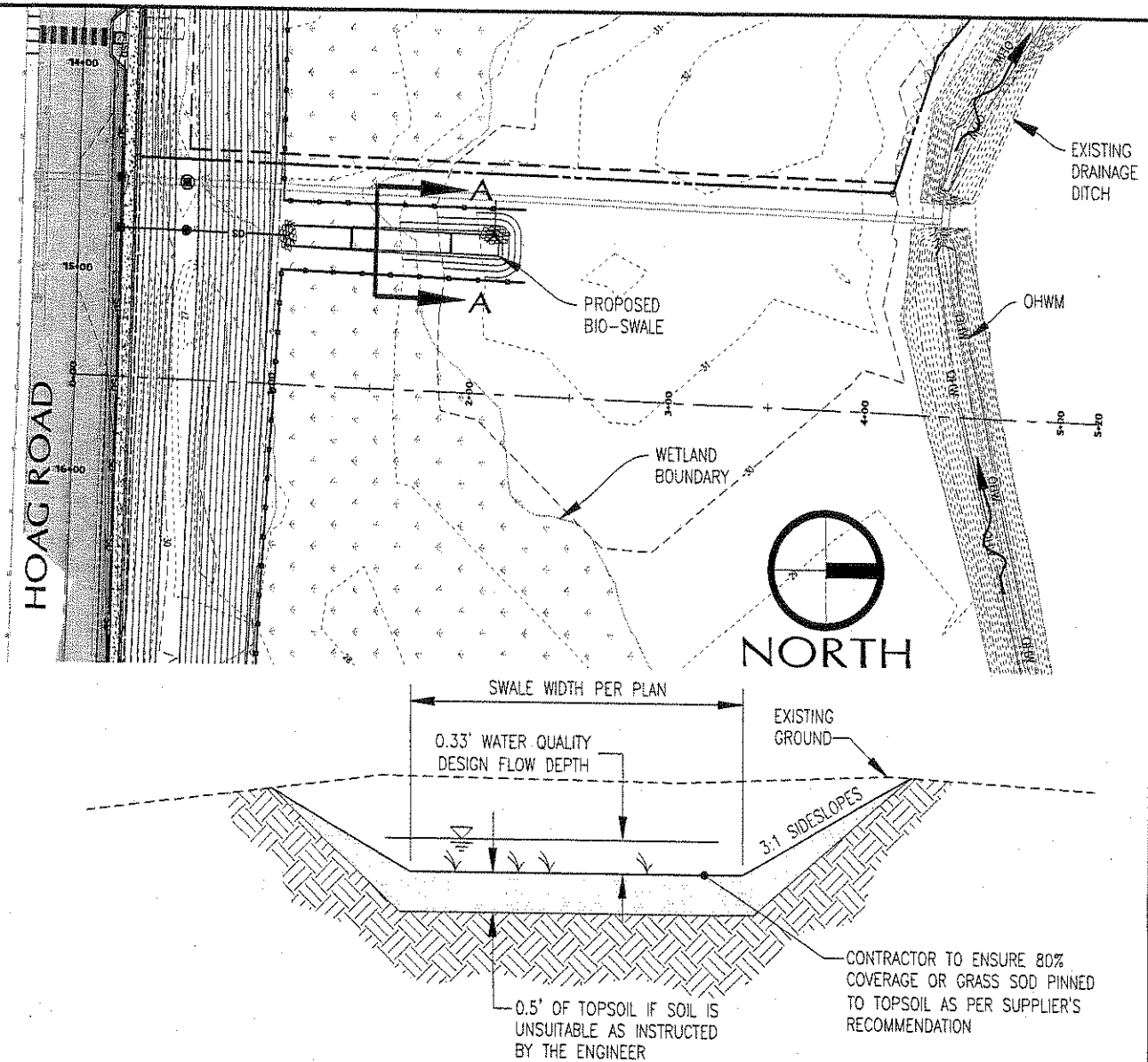


FIGURE 1 : PLAN VIEW - WETLAND

Sound Development Group ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202 Mount Vernon, WA 98273 Tel: 360-404-2010 Fax: 360-404-2013		PROJECT: HOAG ROAD DIKE FOR NOOKACHAMPS, LLC		SCALE: 1" = 120' DRAWN BY: PRL JOB NO. 113-06 DATE: JULY 2008
PURPOSE: DIKE CONSTRUCTION REFERENCE NUMBER: APPLICATION BY: NOOKACHAMPS, LLC		IN: LOCAL WETLAND AT: MOUNT VERNON COUNTY: SKAGIT SHEET: 3 OF 9	STATE: WASHINGTON DATE: JULY 2008	



MAINTENANCE NOTES:

1. GROOMED BIOFILTERS PLANTED IN GRASSES MUST BE MOWED REGULARLY DURING THE SUMMER TO PROMOTE GROWTH AND POLLUTANT UPTAKE.
2. REMOVE SEDIMENTS DURING SUMMER WHEN THEY BUILD UP TO 6 INCHES AT ANY SPOT, COVER BIOFILTRATION VEGETATION, OR OTHERWISE INTERFERE WITH BIOFILTER OPERATION.
3. INSPECT BIOFILTERS PERIODICALLY TO REMOVE SEDIMENTS, FERTILIZE AND RESEED AS NECESSARY.
4. CLEAN CURB CUTS WHEN BUILDUP INTERFERES WITH FLOW.

FIGURE 5 : BIOSWALE PLAN AND CROSS SECTION

Sound Development Group ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202 Mount Vernon, WA 98273 Tel: 360-404-2010 Fax: 360-404-2013	PROJECT: HOAG ROAD DIKE FOR NOOKACHAMPS, LLC	SCALE 1"=80' DRAWN BY: PRL JOB NO. 113-06 DATE JULY 2008
PURPOSE: NWS-2008-39-ND REFERENCE NUMBER: APPLICATION BY: DIKE CONSTRUCTION NOOKACHAMPS, LLC	IN: LOCAL WETLAND AT: MOUNT VERNON COUNTY: SKAGIT SHEET: 4 OF 9	STATE: WASHINGTON DATE: JULY 2008

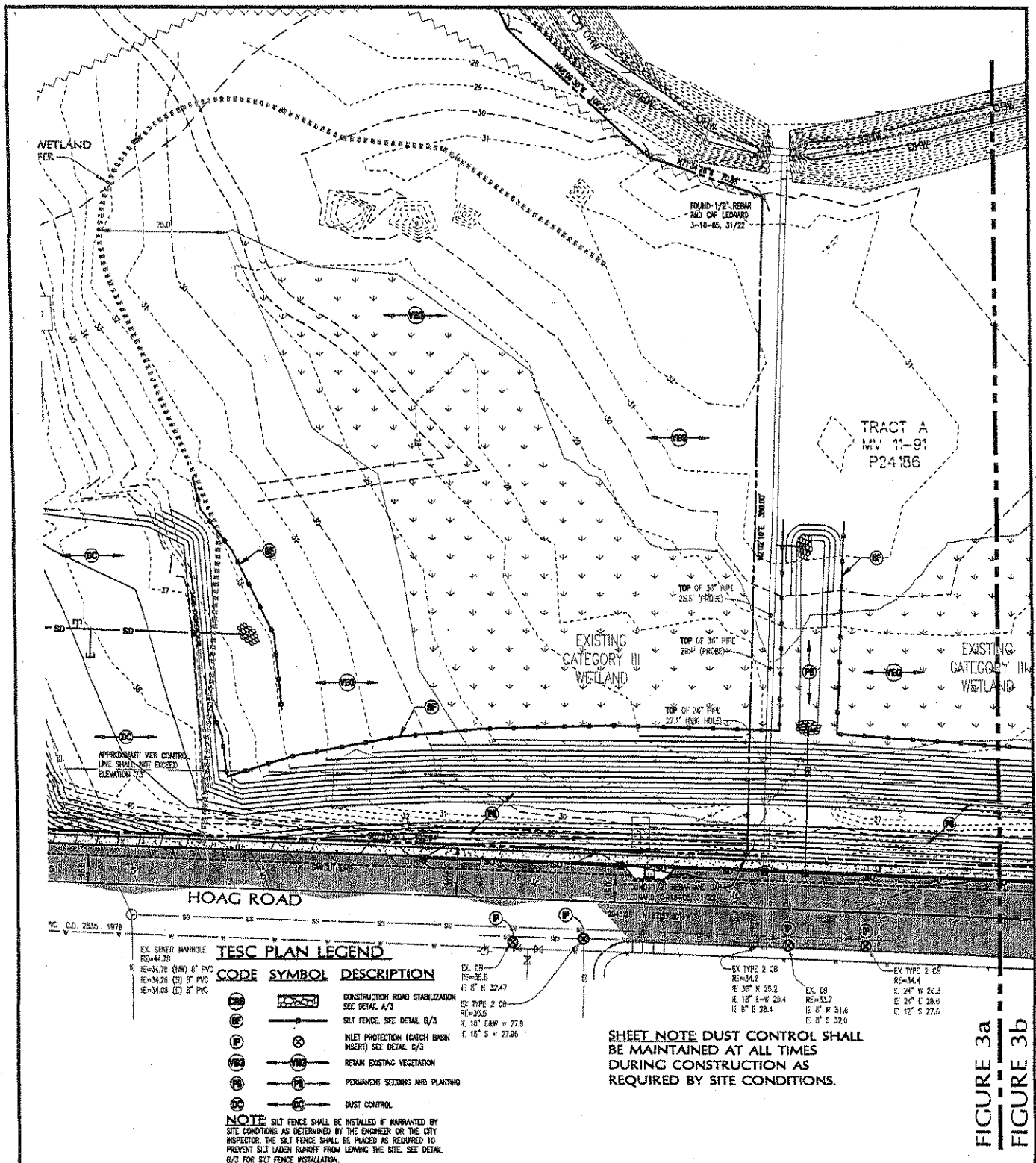


FIGURE 3a
FIGURE 3b

FIGURE 3a : TESC MEASURES

Sound Development Group ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202 Mount Vernon, WA 98273 Tel: 360-404-2010 Fax: 360-404-2013		PROJECT: HOAG ROAD DIKE FOR NOOKACHAMPS, LLC		SCALE 1"=80' DRAWN BY: PRL JOB NO. 113-06 DATE JULY 2008
PURPOSE: NW5-2008-39-N0 REFERENCE NUMBER: APPLICATION BY:	DIKE CONSTRUCTION NOOKACHAMPS, LLC	IN: LOCAL WETLAND AT: MOUNT VERNON COUNTY: SKAGIT SHEET: 5 OF 9	STATE: WASHINGTON DATE: JULY 2008	

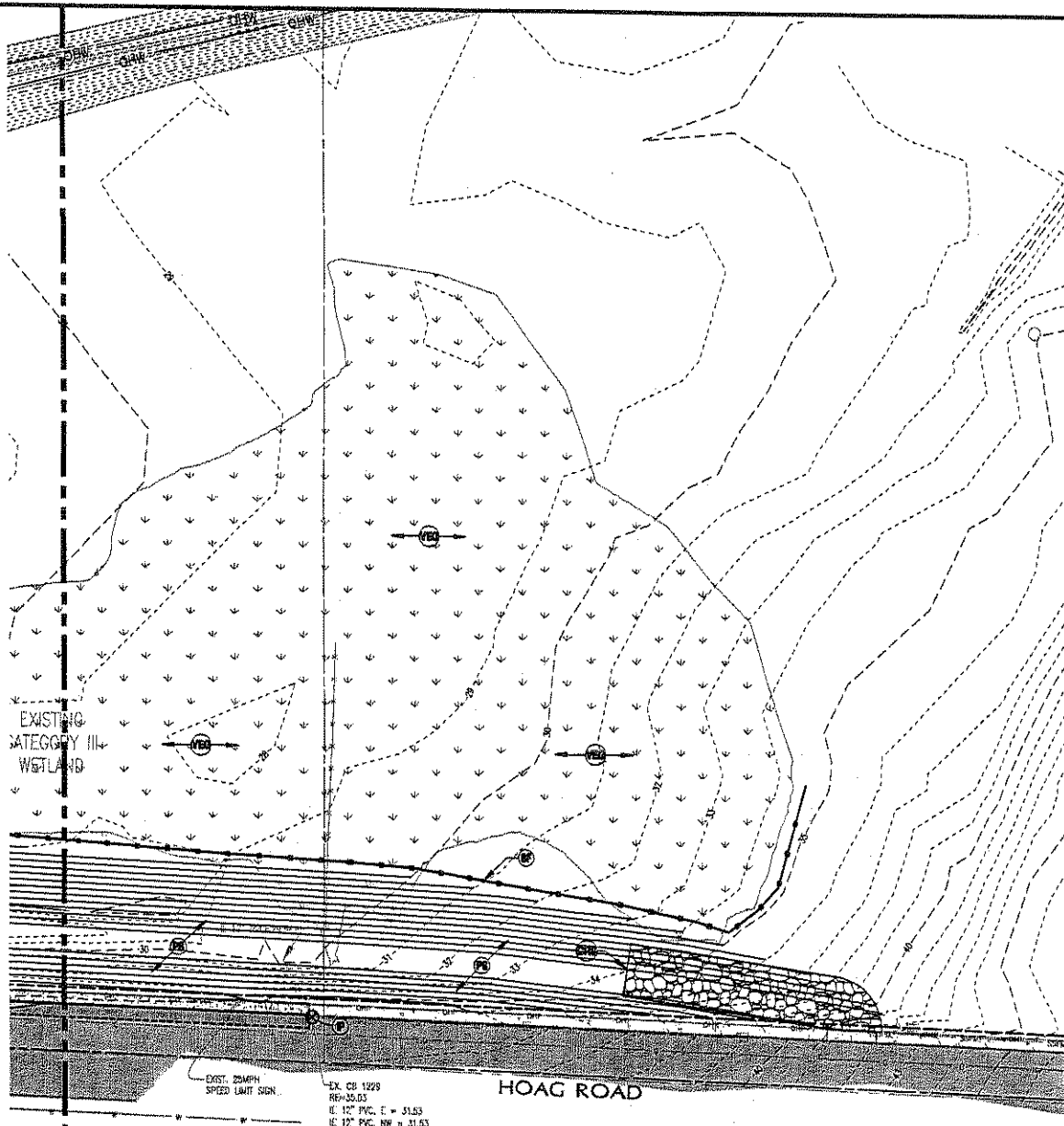


FIGURE 3a
FIGURE 3b

TESC PLAN LEGEND

CODE	SYMBOL	DESCRIPTION
CRS	[Stippled pattern]	CONSTRUCTION ROAD STABILIZATION SEE DETAIL A/3
SF	[Line with cross-ticks]	SILT FENCE. SEE DETAIL B/3
IP	[Circle with cross]	INLET PROTECTION (CATCH BASIN INSERT) SEE DETAIL C/3
VEG	[Line with arrows]	RETAIN EXISTING VEGETATION
PS	[Line with dots]	PERMANENT SEEDING AND PLANTING
DC	[Line with cross-ticks]	DUST CONTROL

NOTE: SILT FENCE SHALL BE INSTALLED IF WARRANTED BY SITE CONDITIONS AS DETERMINED BY THE ENGINEER OR THE CITY INSPECTOR. THE SILT FENCE SHALL BE PLACED AS REQUIRED TO PREVENT SILT LAUNCH RUNOFF FROM LEAVING THE SITE. SEE DETAIL B/3 FOR SILT FENCE INSTALLATION.

SHEET NOTE: DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AS REQUIRED BY SITE CONDITIONS.

FIGURE 3b : TESC MEASURES

Sound Development Group ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES P.O. Box 1705 • 1111 Cleveland Avenue, Suite 202 Mount Vernon, WA 98273 Tel: 360-404-2010 Fax: 360-404-2013		PROJECT: HOAG ROAD DIKE FOR NOOKACHAMPS, LLC		SCALE 1"=80' DRAWN BY: PRL JOB NO. T13-06 DATE JULY 2008
PURPOSE: DIKE CONSTRUCTION REFERENCE NUMBER: NWS-2008-39-NO APPLICATION BY: NOOKACHAMPS, LLC		IN: LOCAL WETLAND AT: MOUNT VERNON COUNTY: SKAGIT SHEET: 6 OF 9		STATE: WASHINGTON DATE: JULY 2008

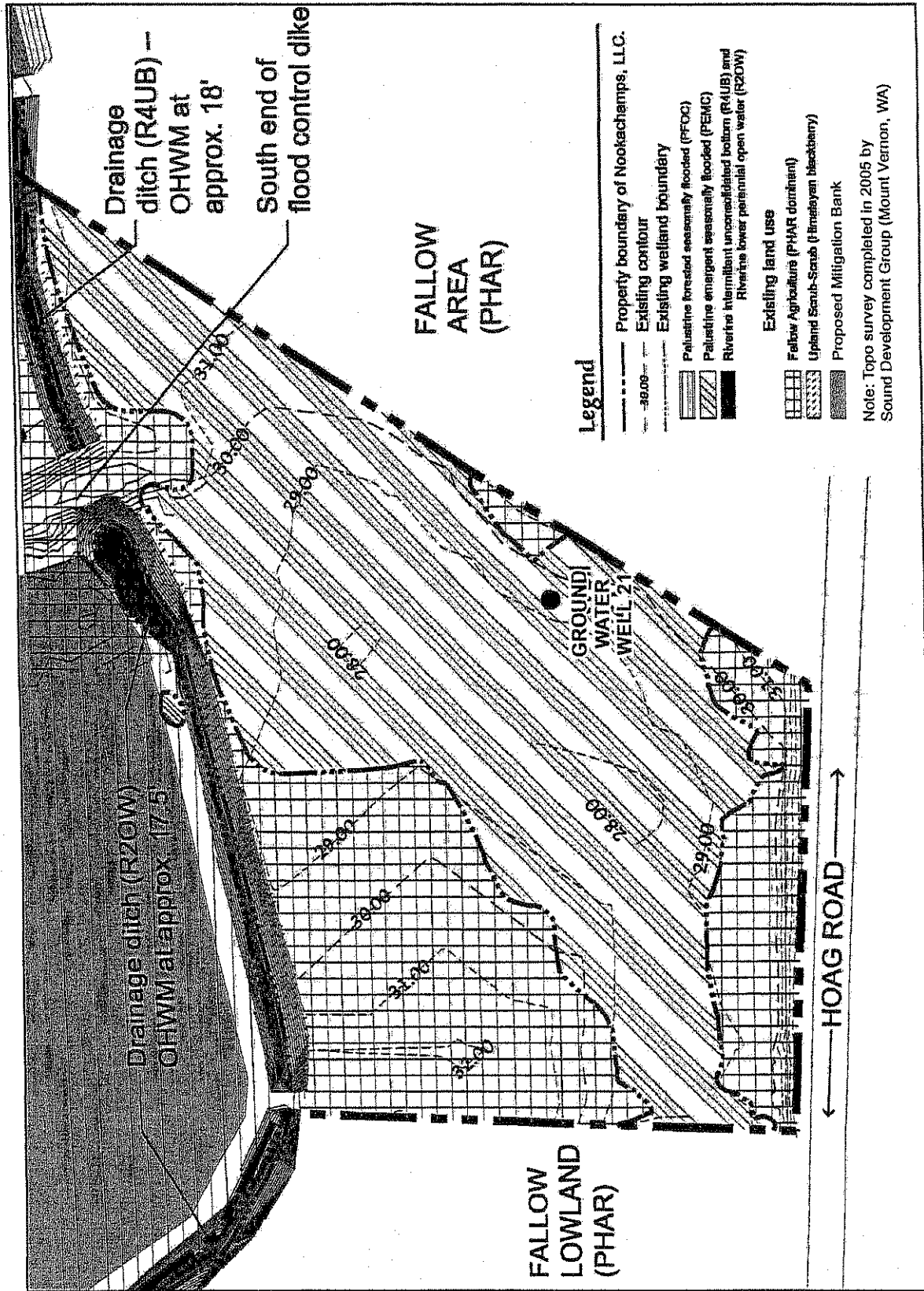


Figure 3

Existing Conditions

IN: LOCAL WETLAND
AT: MOUNT VERNON
COUNTY: SKAGIT
SHEET: 7 OF 9

PURPOSE: DIKE CONSTRUCTION
REFERENCE NUMBER: NWS-1008-38-00
APPLICATION BY: NOOKACHAMPS, LLC

STATE: WASHINGTON
DATE: July 2008

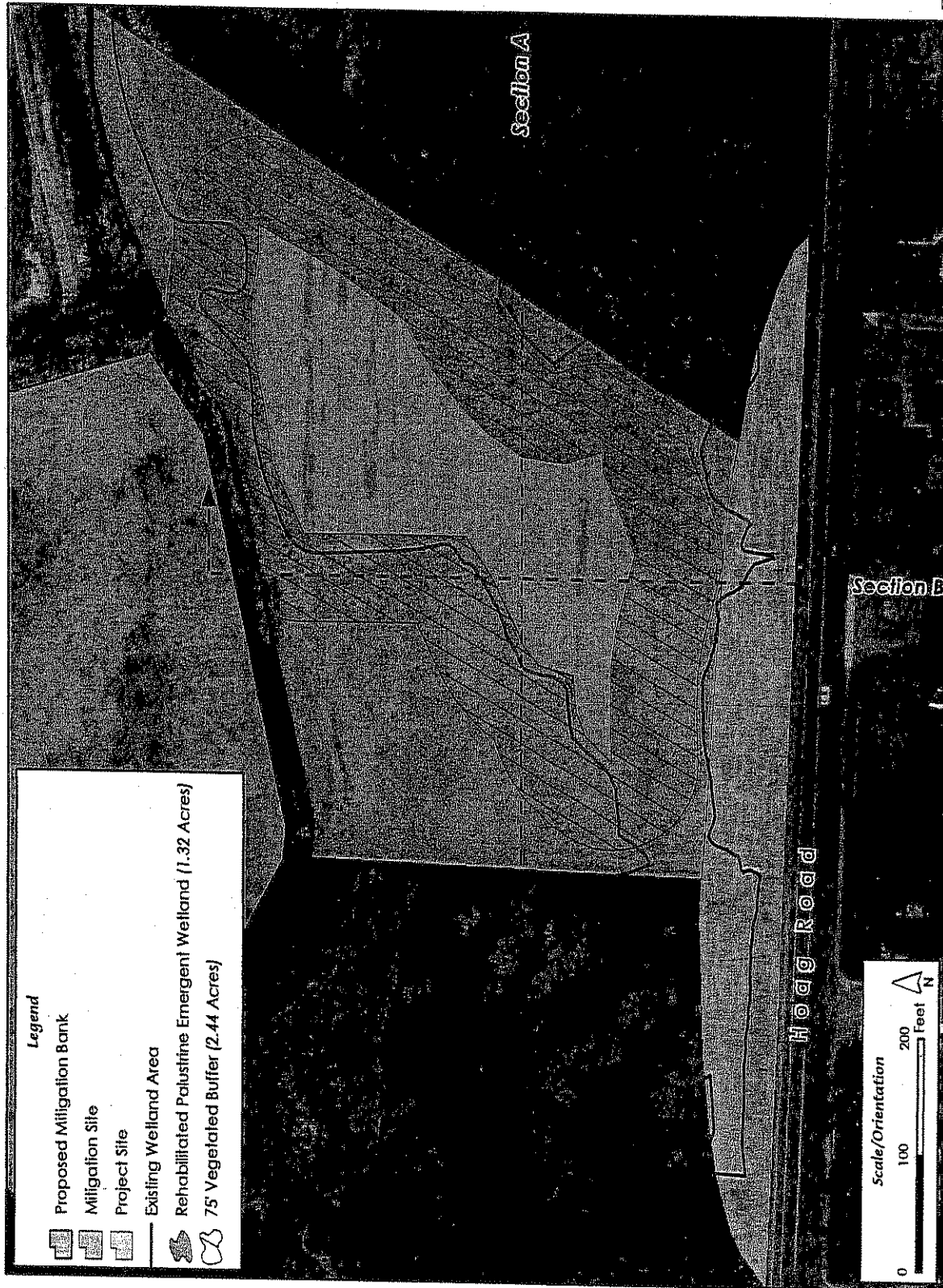


Figure 7

Wildlands, Inc.		Proposed Concept Plan View	
Hoag Road Dik Conceptual Mit	PURPOSE:	DIKE CONSTRUCTION	IN: LOCAL WETLAND
	REFERENCE NUMBER:	NWS-3008-38-ND	AT: MOUNT VERNON
	APPLICATION BY:	NOOKACHAMPS, LLC	COUNTY: SKAGIT
			SHEET: 8 OF 9
			STATE: WASHINGTON
			DATE: July 2008

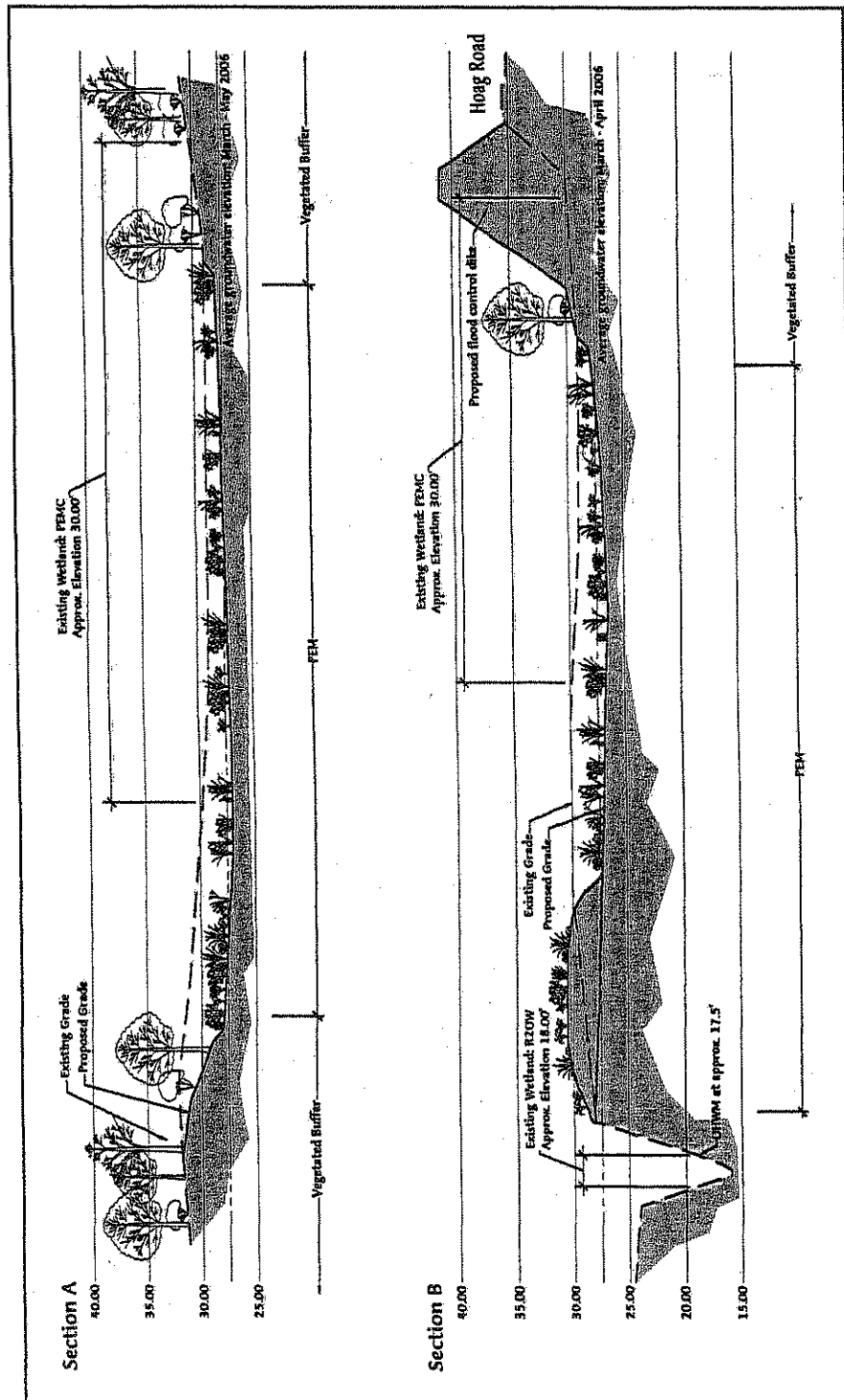


Figure 8

Proposed Concept Cross-Sections



Wildlands, Inc.

PURPOSE: DIKE CONSTRUCTION
 REFERENCE NUMBER: NWS-1008-39-ND
 APPLICATION BY: NOOKACHAMPS, LLC

IN: LOCAL WETLAND
 AT: MOUNT VERNON
 COUNTY: SKAGIT
 SHEET: 9 OF 9

STATE: WASHINGTON
 DATE: July 2008

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
CENWS-OD-RG (C)
P.O. BOX 3755
SEATTLE, WA 98124-3755

OFFICIAL BUSINESS

RETURN SERVICE REQUESTED